

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JEFFERSON McLAMB,

Petitioner,

-against-

MEMORANDUM & ORDER  
05-CV-618 (JS)

GLENN GOORDE, Commissioner of  
Corrections, JOHN MAHER, Acting  
Superintendent,

Respondents.

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APPEARANCES:

For Petitioner: Jefferson McLamb, Pro Se  
No. 90-T-1283  
Mohawk Correctional Facility  
6100 School Road  
P.O. Box 8450  
Rome, New York 13442

For Respondents: Marcia R. Kucera, Esq.  
Suffolk County District Attorney  
Criminal Courts Building  
200 Center Drive  
Riverhead, New York 11901

SEYBERT, District Judge:

On December 15, 2005, this Court issued an Order ("December Order") denying pro se Petitioner Jefferson McLamb's habeas corpus petition pursuant to 28 U.S.C. §§ 2254 and 2244. On January 20, 2006, Petitioner appealed the December Order to the Second Circuit Court of Appeals and requested a certificate of appealability.

Pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253(c)(2), Petitioner's request for a certificate of

appealability is DENIED. Petitioner has not made a substantial showing of denial of a constitutional right. See Miller-El v. Cockrell, 537 U.S. 322, 327, 123 S. Ct. 1029, 154 L. Ed. 2d 931 (2003). Petitioner must apply to the Circuit for further relief.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York  
May 5, 2006